

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    ) Criminal No. 04-10179-RGS  
  )  
  )  
  )  
DEXTER BROWN                                 )

**GOVERNMENT'S CORRECTED OPPOSITION TO DEFENDANT'S  
MOTION TO DEPART JURISDICTION**

The government hereby opposes the Defendant Dexter Brown's Motion for Leave to Depart Jurisdiction in the above-captioned matter. By his motion, the defendant requests permission to depart the jurisdiction of this Court so that he may travel to Myrtle Beach, South Carolina, between May 22, 2005 and June 1, 2005, to attend a motorcycle rodeo. The government opposes said motion on the following grounds:

1. The defendant is now a convicted felon, having pleaded guilty on March 2, 2005, to two counts of unlawful transportation of five firearms from Alabama to Massachusetts. All of the firearms were transported by the defendant from Alabama to Massachusetts and transferred and/or sold by the defendant to a convicted felon, who subsequently transferred the firearms to other convicted felons. Said firearms were later involved in criminal activity in the Commonwealth of Massachusetts and the State of New York and as a result were recovered by law enforcement officials. At least two of the firearms had obliterated serial numbers when they were recovered by law enforcement personnel.

2. The defendant's sentencing date is presently scheduled for June 8, 2005. Based on the draft presentence report prepared by U.S. Probation, the defendant is facing incarceration under the advisory sentencing guidelines and 18 U.S.C. §3553(a).

3. On June 4, 2004, U.S. Magistrate Judge Charles B. Swartwood III, ordered and set conditions of release, which, among other things, restricted the defendant's travel to the District of Massachusetts, required that he comply with a curfew that restricts him to his residence every day from 9:00 p.m. to 4:00 a.m., and required that he report in person to Pretrial Services once per week as directed.

4. This is the fourth time that the defendant has moved to amend his pretrial conditions of release. First, on or about June 30, 2004, the defendant moved for leave to extend his curfew until midnight on July 4, 2004, so that he could attend a block party with his children. USMJ Swartwood III granted the motion.

Second, on or about October 4, 2004, the defendant moved for leave to depart the jurisdiction to travel to Daytona Beach, Florida, between October 19 and 25, 2004, so that he could accompany his father. On or about October 14, 2004, USMJ Swartwood III denied the request.

Third, the defendant moved again to amend his curfew so as to remove the curfew restriction stating that the restriction had deprived him of the opportunity to participate in numerous family events. USMJ Swartwood granted the request, and the defendant's

curfew was suspended.

All three of these motions were sought prior to the defendant's plea of guilty.

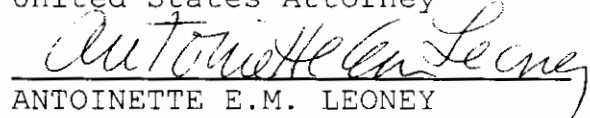
5. Now that the defendant has been adjudged guilty by this Court, the risks are too high that he will flee and/or become involved in further criminal activity while outside the jurisdiction of this Court. Moreover, Pretrial Services will be hampered in it's ability to monitor and supervise the defendant pending sentencing if he is allowed to travel outside of the district.

WHEREFORE, the government respectfully requests that the Court deny Defendant Dexter Brown's Motion for Leave to Depart Jurisdiction.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
ANTOINETTE E.M. LEONEY  
Assistant U.S. Attorney  
(617) 748-3100

Date: May 12, 2005

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts  
May 12, 2005

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing by regular mail, to Willie J. Davis, Esq., Davis, Robinson & White, LLP, One Faneuil Hall Marketplace, 3<sup>rd</sup> Floor, South Market Building, Boston, MA 02109, and by hand to Pretrial Services Officer Thomas O'Brien.

  
ANTOINETTE E.M. LEONEY